

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

**KEN PAXTON, IN HIS OFFICIAL
CAPACITY AS ATTORNEY GENERAL OF
TEXAS, ET AL.,**

Plaintiffs,

v.

No. 4:22-cv-0143-P

**MARVIN RICHARDSON, IN HIS OFFICIAL
CAPACITY AS ACTING DIRECTOR, BUREAU
OF ALCOHOL, TOBACCO, FIREARMS, AND
EXPLOSIVES,**

Defendant.

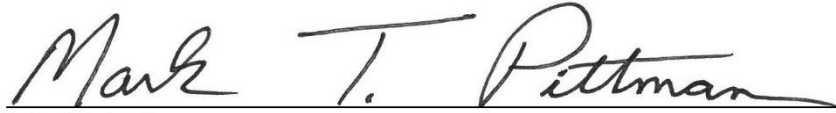
ORDER

On April 26, 2022, Defendant filed a Motion to Dismiss (“Motion”), arguing that the Anti-Injunction Act bars Plaintiffs’ claims and that Texas lacks standing. ECF No. 10. On May 17, Plaintiffs timely filed a Response to the Motion and a first Amended Complaint. ECF Nos. 11, 12. The Amended Complaint drops the Plaintiff’s claims under the Commerce Clause and the Necessary and Proper Clause while splitting their claims under the National Firearms Act into three counts.

Generally, the filing of an amended complaint renders moot a motion to dismiss the original complaint. *See New World Int’l, Inc. v. Ford Glob. Techs., LLC*, 2017 WL 1078525, at *5 (N.D. Tex. Mar. 22, 2017) (Lynn, C.J.). However, the Court has discretion to apply the original motion to dismiss to the amended complaint if the deficiencies and arguments from the first motion remain relevant. *Id.* Accordingly, the Court concludes that the Parties’ briefing would assist it in this matter.

The Court therefore **ORDERS** the Parties to file a Joint Status Report with the Parties' position regarding whether the Amended Complaint moots the pending Motion **no later than May 24, 2022**.

SO ORDERED on this **19th** day of **May, 2022**.

A handwritten signature in black ink, reading "Mark T. Pittman". The signature is written in a cursive, flowing style. The "M" is large and loops around the "a". The "T" is a simple horizontal stroke. The "P" is also large and loops around the "i". The "t" is a simple horizontal stroke. The "m" is a simple horizontal stroke. The "a" is a simple horizontal stroke. The "n" is a simple horizontal stroke. The signature is written on a white background.

Mark T. Pittman

UNITED STATES DISTRICT JUDGE